

# Exhibit D

MARK MACRIS  
MACRIS vs EXPERIAN INFORMATION SOLUTIONS

April 25, 2018

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1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF NEW YORK

3 -----  
4 MARK K. MACRIS,

5 Plaintiff,

6 -vs-

7 EXPERIAN INFORMATION SOLUTIONS, INC  
8 And SPECIALIZED LOAN SERVICING LLC,

9 Defendants.  
10 -----

11 Examination Before Trial of MARK  
12 MACRIS, held before Shannon Gallagher, Notary  
13 Public, at The Law Offices of Kenneth Hiller,  
14 6000 North Bailey Avenue, Amherst, New York,  
15 on Wednesday, April 25th, 2018 at 10:00 a.m.  
16 ending at 2:06 p.m. pursuant to notice.

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1 Q. Do you recall going to court in what's called  
2 a foreclosure settlement conference in June of  
3 2015?

4 A. Mm-hmm. Yes, I do.

5 Q. Okay. And at that settlement conference, do  
6 you recall what happened?

7 A. Yes.

8 Q. And what happened?

9 A. I appeared before the court with my divorce  
10 attorney, I believe, and explained to them  
11 that I don't have any legal right to this  
12 property anymore, I signed over the deed, and  
13 that I should follow up with I believe -- I  
14 believe at the time follow up with the  
15 foreclosure attorneys, because they were the  
16 ones handling the mortgage and the note and  
17 everything that goes along with that.

18 They asked me if I was planning on keeping  
19 the house I believe, I said no, I haven't  
20 lived in that house in six or seven years.  
21 That was -- if I can recall, that was what the  
22 conversation was about.

23 Q. Okay. At the time you went to the conference  
24 in June of 2015, was your daughter still  
25 living with your ex-wife at that time?

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1 A. Yes.

2 Q. And at that time, was your son still living  
3 with you?

4 A. Yes.

5 Q. Okay. So earlier you stated that your concern  
6 over the foreclosure is that your daughter  
7 would lose her home, correct?

8 A. Correct.

9 Q. So when you went to the conference in June of  
10 2015 and were asked about retaining the house,  
11 at that time were you still concerned about  
12 retaining the house for your daughter?

13 A. I believe that I knew she was going to have  
14 other plans to leave the house and get an  
15 apartment, so I didn't have any concerns about  
16 the house.

17 Q. When you say she, you mean your daughter or  
18 your ex-wife?

19 A. My daughter was only three. My ex-wife.

20 Q. Okay. So your daughter was three in 2015?

21 A. I'm sorry. My daughter was born in 2007, so  
22 she was eight.

23 Q. Okay. Do you recall what happened after --  
24 were you told at that conference -- strike  
25 that. She never strikes it. She writes down

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1                   strike that. What were you told after that  
2                   conference in 2015 regarding your assertion  
3                   that you were removed from your obligations on  
4                   the property?

5                   A. That I should -- that I should follow up with  
6                   Davidson Fink, who was the foreclosure  
7                   attorneys.

8                   Q. Okay. So at that conference the court didn't  
9                   tell you you were relieved of your  
10                  obligations?

11                  A. No.

12                  Q. I'm going to give you what has been premarked  
13                  as Exhibit U. Mr. Macris, I've handed you  
14                  what's been premarked as Exhibit U. These are  
15                  copies of an email exchange between you and  
16                  Davidson Fink, that your attorney, Mr.  
17                  Andrews, provided to our office yesterday.  
18                  Have you seen these emails before?

19                  A. Yes.

20                  Q. Okay. Starting at the end of the chain,  
21                  page 3, which is actually the beginning of the  
22                  chain, correct? That's how emails work? It  
23                  puts the oldest one at the bottom?

24                  A. Yes.

25                  Q. May 18, 2015, a Kurt Odenbach from Davidson

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1 Q. So that's your interpretation of this order of  
2 reference, that you're relieved from the note  
3 and mortgage?

4 A. From the attorney's office, correct. I am not  
5 an attorney, but that's what they advised me.

6 Q. Understood. But you testified already, unless  
7 you want to change it, it does not say that in  
8 this document?

9 A. It doesn't say that, no.

10 Q. Let's move on. I have two more topics to  
11 cover. Do want to take a break or keep going?

12 A. Keep going.

13 Q. Did there come a time when you disputed my  
14 clients reporting you as delinquent on the  
15 mortgage loan for the property at 403 Teakwood  
16 Terrace?

17 A. Yes.

18 Q. Do you recall approximately when you disputed  
19 that, first disputed that?

20 A. I guess I have to ask you a question. Are you  
21 talking a written dispute or phone dispute?

22 Q. Let's start with the earliest dispute, whether  
23 it was written or by phone.

24 A. Mm-hmm. It was -- I -- probably first by  
25 phone I would say.

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1 Q. Do you recall approximately when?

2 A. I would say initial correspondence was

3 January, February, 2016, somewhere around

4 there.

5 Q. Do you recall what prompted you to call them

6 to dispute your being reported as delinquent

7 on that loan?

8 A. Do I recall contacting them? Yes.

9 Q. Sorry. Bad question. Do you recall what it

10 was that raised this issue for you that you

11 needed to dispute the credit report?

12 A. When you get a bill in the mail that says I

13 owe \$159,000 and I'm -- that I owe Specialized

14 Loan Servicing, yeah, I'm going to act on it.

15 Q. Okay. So you received correspondence from

16 Specialized Loan Servicing stating you owed

17 money on the mortgage loan for the 403

18 Teakwood Terrace?

19 A. Correct.

20 Q. Do you recall when you received that document?

21 A. Around that timeframe, 2016 or so.

22 Q. Do you still have copies of that

23 correspondence?

24 A. I do. I don't have them with me, but I have

25 copies of correspondence that I received from